

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
HEIDI A. OJEDA
3 Assistant Federal Public Defender
Nevada State Bar No. 12223
4 411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
5 (702) 388-6577/Phone
(702) 388-6261/Fax
6 Heidi_Ojeda@fd.org
7 Attorney for Shaun Patrick Anderson

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 SHAUN PATRICK ANDERSON,
15 Defendant.

Case No. 2:17-cr-363-APG-EJY

**STIPULATION TO CONTINUE
SENTENCING HEARING**
(Second Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
18 Trutanich, United States Attorney, and Patrick Burns, Assistant United States Attorney, counsel
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and Heidi
20 A. Ojeda, Assistant Federal Public Defender, counsel for Shaun Patrick Anderson, that the
21 sentencing hearing currently scheduled for March 17, 2020 be vacated and continued to a date
22 and time convenient to the Court, but no sooner than thirty (30) days. Additionally, the
23 defenses' response to the Government's sentencing memorandum will be due one week prior
24 to sentencing.

25 This Stipulation is entered into for the following reasons:
26

1 1. Defense counsel needs additional time to respond to the government's lengthy
2 sentencing memorandum. Additionally, the parties are in the process of trying to resolve this
3 case in lieu of having an evidentiary hearing at sentencing.

4 2. Defense counsel also needs additional time to speak with her client in light of
5 possible negotiations.

6 3. The defendant is incarcerated and does not object to the continuance.

7 4. The parties agree to the continuance.

8 5. The additional time requested herein is not sought for purposes of delay, but
9 merely to allow counsel for defendant sufficient time within which to be able to effectively and
10 complete investigation of the discovery materials provided.

11 6. Additionally, denial of this request for continuance could result in a miscarriage
12 of justice. The additional time requested by this Stipulation is excludable in computing the time
13 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
14 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
15 Section 3161(h)(7)(B)(i), (iv).

16 This is the second request to continue sentencing hearing filed in this matter.

17 DATED this 10 day of March, 2020.

18
19 RENE L. VALLADARES
20 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

21 By /s/ Heidi A. Ojeda

By /s/ Patrick Burns

22 HEIDI A. OJEDA
23 Assistant Federal Public Defender

PATRICK BURNS
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 SHAUN PATRICK ANDERSON,

7 Defendant.

Case No. 2:17-cr-363-APG-EJY

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

9
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Defense counsel needs additional time to respond to the government's lengthy
14 sentencing memorandum. Additionally, the parties are in the process of trying to resolve this
15 case in lieu of having an evidentiary hearing at sentencing.

16 2. Defense counsel also needs additional time to speak with her client in light of
17 possible negotiations.

18 3. The defendant is incarcerated and does not object to the continuance.

19 4. The parties agree to the continuance.

20 5. The additional time requested herein is not sought for purposes of delay, but
21 merely to allow counsel for defendant sufficient time within which to be able to effectively and
22 complete investigation of the discovery materials provided.

23 6. Additionally, denial of this request for continuance could result in a miscarriage
24 of justice. The additional time requested by this Stipulation is excludable in computing the time
25 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
26

1 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
2 Section 3161(h)(7)(B)(i), (iv).

3
4 **CONCLUSIONS OF LAW**

5 The ends of justice served by granting said continuance outweigh the best interest of the
6 public and the defendant in a speedy trial, since the failure to grant said continuance would be
7 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
8 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
9 account the exercise of due diligence.

10 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
11 United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18,
12 United States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

13 **ORDER**

14 IT IS THEREFORE ORDERED that the defenses' response to the Government's
15 sentencing memorandum will be due one week prior to sentencing.

16 IT IS FURTHER ORDERED that the sentencing hearing currently scheduled for March
17 17, 2020, at 10:30 a.m., be vacated and continued to April 28, 2020 at the hour of 9:30 a.m. in
18 Courtroom 6C.

19 DATED this 11th day of March, 2020.

20
21 
22 _____
23 UNITED STATES DISTRICT JUDGE
24
25
26